

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

UNITED STATES OF AMERICA,	*
	* CASE NO.
Plaintiff,	* 4:17-CR-105-1 ALM-KPJ
	* SHERMAN, TEXAS
v.	* THURSDAY
	* SEPTEMBER 21, 2017
DEREK MYLAN ALLDRED,	* 10:30 A.M. TO 10:37 A.M.
	*
Defendant.	*

TRANSCRIPT OF ARRAIGNMENT HEARING

BEFORE THE HONORABLE CHRISTINE A. NOWAK

UNITED STATES MAGISTRATE JUDGE

SEPTEMBER 21, 2017

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A P P E A R A N C E S

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1 SHERMAN, TEXAS; THURSDAY, SEPTEMBER 21, 2017; 10:30

2 A.M.

3 (Call to Order of the Court)

4 THE COURT: All right. So we have one more
5 cause on this morning's docket, Cause Number 4:17-CR-
6 105, the United States of America versus Derek Mylan
7 Alldred.

8 If I can have an appearance on behalf of
9 the Government.

10 MR. TATUM: William Tatum for the
11 Government.

12 THE COURT: And appearance on behalf of Mr.
13 Alldred.

14 MR. ARRAMBIDE: Robert Arrambide for Mr.
15 Alldred, Your Honor.

16 THE COURT: All right. Mr. Alldred, can
17 you state your full name for my record, please?

18 THE DEFENDANT: Derek Mylan Alldred.

19 THE COURT: Am I correct that you speak and
20 understand English, sir?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: So you don't need an
23 interpreter today?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: All right. So, Mr. Alldred,

1 we're actually set for two items as it relates to
2 your case here today. We're set to arraign you on
3 this First Superseding Indictment, sir, as well as
4 there is currently a motion pending before the Court
5 to reopen your detention hearing.

6 So let me -- we're going to take up that
7 detention issue first. Does the Government persist
8 in its desire to detain Mr. Alldred?

9 MR. TATUM: Yes, Your Honor.

10 THE COURT: All right. And, Mr. Arrambide,
11 are you prepared to press forward on that -- on a
12 hearing on your Motion To Reopen at this time?

13 MR. ARRAMBIDE: We would prefer that it be
14 continued, Your Honor. My understanding is that the
15 pre-trial officer has just completed a more extensive
16 interview of Mr. Alldred, and she needs time to
17 verify where he intends to live. So we would ask
18 that be continued until that report is ready.

19 THE COURT: And the Court has discussed
20 with Pretrial Services when that report can be
21 prepared and ready for everyone to review. And so,
22 Mr. Alldred, we're going to be continuing your case
23 to Wednesday of next week. And so I'm not certain of
24 the time yet, but it will be Wednesday of next week.
25 And what we'll do is we'll communicate the time to

1 Mr. Arrambide and he can let you know when that is.

2 All right. So that takes care of the
3 Motion To Reopen. That means I'm going to see you
4 next week. Mr. Alldred, now let's go ahead and turn
5 and talk about this First Superseding Indictment so
6 we can go ahead and have you arraigned on that.

7 And if you can raise your right hand to the
8 best of your ability, sir, so that I could have you
9 sworn and we can talk about that.

10 (Defendant sworn.)

11 THE COURT: All right. So, Mr. Alldred,
12 I'm going to just start off by reminding you of your
13 constitutional rights. You have the right to remain
14 silent. You don't have to say anything at all about
15 the charges that are pending against you in this
16 First Superseding Indictment. Anything you do say
17 may later be used against you. Do you understand you
18 have the right to remain silent, sir?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you also understand you have
21 a constitutional right to have counsel with you at
22 every stage of the proceedings and if you're not able
23 to afford counsel, to request that counsel be
24 appointed for you?

25 THE DEFENDANT: I do.

1 THE COURT: And you do also understand the
2 Court has, in fact, appointed counsel and Mr. Robert
3 Arrambide, your counsel, is present here with you
4 today?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: So let's look at this First
7 Superseding Indictment, Mr. Alldred. Have you had a
8 chance to read it?

9 THE DEFENDANT: I have.

10 THE COURT: And to discuss it with Mr.
11 Arrambide?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: So because of that, you and I
14 can talk about it one of two ways. And how we do it
15 is entirely your choice. I could have the whole
16 thing read to you word for word or if you'd rather,
17 you can waive the full reading. If you waive it, I'm
18 going to have the Government summarize the charges
19 pending against you and the range of penalties and
20 consequences. What do you want to do?

21 THE DEFENDANT: I'll waive it, Your Honor.

22 THE COURT: In light of the fact that
23 you've waived, at this time I'll ask the Government
24 to summarize the charges pending against Mr. Alldred
25 in this First Superseding Indictment and also to

1 advise him of the full range of penalties and
2 consequences he could be subjected to for those
3 charges.

4 MR. TATUM: Yes, Your Honor. The Defendant
5 is charged in a ten-count indictment. Count 1 is a
6 violation of 18 United States Code Section 922(g)(1),
7 Felon in Possession of a Firearm. Count 2 is a
8 violation of 18 United States Code Section
9 1029(a)(2), Access Device Fraud. Count 3 is a
10 violation -- I'm sorry, Counts 3, 4, and 5 are all
11 violations of 18 United States Code Section 1028 (a),
12 Aggravated Identity Theft. Counts 6 through 10 are a
13 violation of 18 United States Code Section 1341, Mail
14 Fraud.

15 The penalty for a violation of these
16 sections is as follows. For Count 1, it is
17 imprisonment of not more than 10 years; a fine not to
18 exceed \$250,000 or both; and a term of supervised
19 release of not more than three years.

20 If it is shown that Defendant has three
21 previous convictions by any court for a violent
22 felony or a serious drug offense or both committed on
23 occasions different from one another, then it is
24 imprisonment of 15 years to life, a fine not to
25 exceed \$250,000 or both; and a term of supervised

1 release of at least three years but not more than
2 five years.

3 Count 2, for a violation of 18 United
4 States Code Section 1029, the penalty is imprisonment
5 for a term of not more than ten years; a fine not to
6 exceed \$250,000 or both; and supervised release of
7 not more than three years.

8 Counts 3 through 5 for a violation of 8
9 United States Code Section 1028(a), the penalty is
10 imprisonment for a term of 24 months to run
11 consecutive with any other term of imprisonment
12 imposed.

13 And Counts 6 through 10, the penalty is
14 imprisonment for a term of not more than 20 years; a
15 fine not to exceed \$250,000 or both; and supervised
16 release of not more than three years. In each of
17 those situations, there's also a special assessment
18 of \$100.

19 THE COURT: So, Mr. Alldred, let's talk
20 about the information the Government's just provided.
21 Do you generally understand the nature of the charges
22 that are pending against you in each of Counts 1
23 through 10?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And do you also understand the

1 full range of penalties and consequences you could be
2 subjected to including the fact that the Government
3 is seeking criminal forfeiture in your case?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Now then, Mr. Alldred, I'll ask
6 you at this time, you are named in Counts 1 through
7 10 of this First Superseding Indictment, sir. How do
8 you now plead to each of Counts 1 through 10, guilty
9 or not guilty?

10 THE DEFENDANT: Not guilty.

11 THE COURT: The Court's going to accept
12 your plea of not guilty to Counts 1 through 10 of the
13 First Superseding Indictment. A pre-trial order was
14 previously ordered in your case which is assigned to
15 United States District Judge Amos Mazzant, and that
16 pre-trial order will remain in place.

17 Is there anything further from the
18 Government as it relates to Mr. Alldred at this time?

19 MR. TATUM: No, Your Honor.

20 THE COURT: Anything, Mr. Arrambide?

21 MR. ARRAMBIDE: No, Your Honor.

22 THE COURT: All right. Then, Mr. Alldred,
23 I'm going to have you remanded to the custody of the
24 United States marshals, and I'm going to see you back
25 here on Wednesday.

1 THE DEFENDANT: Thank you very much.

2 THE COURT: Thank you. The Court will be
3 adjourned.

4 (Proceedings adjourned at 11:15 a.m.)

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CERTIFICATE OF TRANSCRIBER

I, Dipti Patel, court-approved transcriber,
certify that the foregoing is a full and correct
transcript from the official electronic sound
recording of the proceedings in the above-entitled
matter.

/s/ Dipti Patel

Dipti Patel, CET-997

847.848.4907

Date: October 4, 2018